

IN THE COURT OF APPEALS OF TENNESSEE  
AT KNOXVILLE  
February 28, 2007 Session

**CHATTANOOGA-HAMILTON COUNTY HOSPITAL AUTHORITY  
d/b/a ERLANGER HEALTH SYSTEM v.  
BRADLEY COUNTY, TENNESSEE, ET AL.**

**Appeal from the Chancery Court for Bradley County  
No. 01-386 Jerri S. Bryant, Chancellor**

---

**No. E2006-01457-COA-R3-CV - FILED APRIL 3, 2007**

---

The Chattanooga-Hamilton County Hospital Authority d/b/a Erlanger Health System (“Erlanger”) seeks to recover from Bradley County medical expenses provided to a patient who was involved in a shooting in Cleveland, Tennessee. In the early morning hours of March 24, 2001, Brandon Ramsey (“Ramsey”) was involved in a shootout with an off-duty Chattanooga police officer following a disturbance at a local bar. Due to the seriousness of Ramsey’s injuries, he eventually was transported to Erlanger hospital in Chattanooga. Later that same day, a police hold was placed on Ramsey. The police hold remained in effect until April 5, 2001. Ramsey was discharged from the hospital on April 21, 2001. Ramsey incurred a total of \$117,177.36 in medical bills. Erlanger filed suit pursuant to Tenn. Code Ann. § 41-4-115 seeking to recover the entire \$117,177.36 from Bradley County. The Trial Court determined that Bradley County was responsible for Ramsey’s medical care only during the time that Ramsey was under a police hold while at Erlanger, which amounted to \$51,095.00. Bradley County appeals claiming it should not be held responsible for any of the medical bills. Erlanger claims Bradley County should be responsible for all of the medical bills. We affirm.

**Tenn. R. App. P. 3 Appeal as of Right; Judgment of the  
Chancery Court Affirmed; Case Remanded**

D. MICHAEL SWINEY, J., delivered the opinion of the court. CHARLES D. SUSANO, JR., J., filed a separate concurring opinion, and SHARON G. LEE, J., filed a dissenting opinion.

James F. Logan, Jr., Cleveland, Tennessee, for the Appellant, Bradley County, Tennessee.

Fred H. Moore, Joseph R. White, and C. Eugene Shiles, Chattanooga, Tennessee, for the Appellee, Chattanooga-Hamilton County Hospital Authority d/b/a Erlanger Health System.

Ronald D. Wells and Stacy Lynn Archer, Chattanooga, Tennessee, for the Appellee, City of Cleveland, Tennessee.

## **OPINION**

### **Background**

This lawsuit involves whether Bradley County, Tennessee, is responsible for payment of medical expenses incurred by a patient at Erlanger hospital following a shootout at a bar located in Cleveland, Tennessee. The lawsuit was filed by Erlanger against Bradley County in December 2001.<sup>1</sup> According to the complaint:

[O]n or about March 24, 2001, Brandon Lee Ramsey (hereinafter “Ramsey”) and three other acquaintances visited [a local bar] ... in Cleveland, Tennessee. After a disturbance broke out, all four individuals were escorted out of the establishment and told not to return. As they were leaving, one or more of the four men shouted that “this was not over”. Ramsey and one of the three remaining individuals allegedly returned to their vehicle and obtained two 38-caliber automatic handguns. The two men then allegedly began firing into the club from the parking lot. Several patrons were wounded in the indiscriminate firing including Jeff Thompson, an off-duty Chattanooga police officer who was shot in the left chest area. Thompson allegedly returned fire wounding Ramsey in the legs.

According to the complaint, Ramsey was transported first to a local hospital and then to Erlanger for further treatment. Erlanger claims that Ramsey was under a “police hold” during his entire stay at the hospital. Erlanger further asserts that at all times during Ramsey’s treatment, Ramsey “was legally under arrest and a prisoner of Bradley County....” Based on these allegations, Erlanger maintains that:

State and federal laws require that governmental entities provide medical services to their prisoners and pay for those services when obtained through third-party health care providers such as Erlanger. In addition and/or in the alternative, the defendants are liable in contract for the cost of the services on the grounds that the request for services constituted an explicit or implied promise to pay Erlanger for its services.

Erlanger’s complaint sought payment for medical expenses that were incurred in the treatment of Ramsey at Erlanger. Bradley County answered the complaint, generally denying any

---

<sup>1</sup> Erlanger also sued the City of Cleveland, Tennessee. The City of Cleveland was dismissed on summary judgment and that dismissal has not been appealed by either Erlanger or Bradley County. The City of Cleveland did file a brief on appeal but only to reiterate that it had been granted summary judgment and that the grant of summary judgment had not been appealed.

liability to Erlanger and further denying that Ramsey was under arrest at the time the medical treatment was provided to Ramsey by Erlanger.

Both Erlanger and Bradley County filed motions for summary judgment. The deposition of Detective John Dailey, Jr., ("Det. Dailey") was one of the primary depositions relied upon by the parties. Det. Dailey is employed by the Cleveland Police Department. According to Det. Dailey:

From all of the investigation and the testimony I've heard, Mr. Holcomb and Ramsey had heard about this birthday party, which is kind of an unusual birthday party to me. It was a birthday party for a young man that had just graduated from LSU. But they were charging admission to get into this place for this party and they were serving alcohol. And Mr. Ramsey and Holcomb did come up with some other gentlemen and went to this party.

Mr. Holcomb, who is white, started dancing with a young lady who is black, and a black male, I think, confronted him about that and they started to fight. And they threw him out, then they threw Mr. Ramsey out because I think he had some words with them about that.

And Mr. Holcomb went to his car and got a gun and came back and started shooting into the building. Officer Thompson says he went to his 4Runner and got his 9mm and started shooting back, and he shot Mr. Holcomb and Mr. Ramsey who, he says, both had weapons. And, like I said, there is evidence that there were two weapons. And Mr. Ramsey had shot [Mr. Thompson] in the chest area.

Det. Dailey interviewed Mr. Holcomb at Bradley County Memorial Hospital at approximately 6:30 a.m. on the morning of the shooting. Mr. Holcomb was not placed on a police hold and was released from the hospital shortly after the interview. Det. Dailey then interviewed Officer Thompson at Erlanger hospital in Chattanooga. Following the interview with Officer Thompson, Det. Dailey obtained warrants for the arrest of both Mr. Holcomb and Mr. Ramsey. The warrants were obtained approximately 18 to 20 hours after the shootings took place.

Det. Dailey testified that initially he did not have a police hold placed on Ramsey, but he did have Erlanger notified that he wanted to speak with Ramsey when Ramsey was out of surgery and coherent. Det. Dailey was informed the next day that Ramsey was awake and coherent, but Ramsey refused to talk with him. Det. Dailey then described the following events:

Q. Did you contact someone at the hospital at that time regarding having him placed on hold?

A. I actually contacted Erlanger's police department Saturday night, on the 24<sup>th</sup>, when I obtained the warrants and told them I would like to put a hold on him when he was released. And that's where I found out that Mr. Holcomb had already been down there. And I told him, well, if he comes back, please notify me because I have a warrant on him, and they did.

Q. When you say you called Erlanger security that night, do you recall who you talked to?

A. I do not. Whoever was the dispatcher that answered the phone that night is whoever I talked to.

Q. Do you recall when you called the Erlanger security the night of the 24<sup>th</sup> telling them that you had this arrest warrant for Mr. Ramsey, whether you had to give them any specific information regarding the charges or things of that nature?

A. I believe so. I know that I did, at some point, in that I faxed the warrant to Chattanooga Police Department to have to serve when the time came to serve it. It was later when I received a call back from Erlanger that we'd have to have someone guard him in order to have a hold on him.

And I contacted Captain Snider and he said, "We can't do that." And it was suggested to me this unofficial hold where they would notify me two hours before his release so that we could make arrangements for Chattanooga to come over and be there to arrest him, and that's the way it was left from March 25<sup>th</sup> up until I was paged by Mr. Mosley on April the 6<sup>th</sup> about him being . . .

Q. Let me back up and make sure I understand what all you just said. You faxed a warrant to the Chattanooga Police Department?

A. Yes, sir.

Q. And what did you ask them to do?

A. I asked them to, when he was ready to be released, to serve the warrant for me. And, of course, they said they would....

Q. And then you contacted someone else at Erlanger at that time about having him placed on hold?

A. Yes....

Q. Now, was that the time the conversation occurred that they would not be able to keep him on hold unless you supplied an officer to guard him?

A. No. I believe that conversation was the next morning when they contacted me back and said they could not [place a hold] without someone there to guard him. And when I was told that our department would not do that, that's when we discussed the unofficial hold of just a heads-up call to let us [know two hours before when Ramsey was going to being released] ....

Q. And do you remember ... what the next conversation was you had with any Erlanger employee?

A. I don't remember any until April the 6<sup>th</sup> when Lieutenant Mosley called me back.... And I called him and he said that Mr. Ramsey had been giving him a little bit of trouble, or the family, I don't remember which, and he really would like to have a guard down there on him if we were going to have any kind of hold on him at all.

And I again called Captain Snider and he said, "No, we can't do that." So I called him back, Mr. Mosley back and told him that Captain Snider said, well, you know, if it's a problem, then we won't even have an unofficial hold on him. We'll just get him some other day....

Portions of the deposition of Lieutenant Lee Mosley ("Lt. Mosley") also were submitted to the court. Lt. Mosley is with Erlanger's security department. Lt. Mosley testified that prior to the shootings, Erlanger had changed its policy with respect to police holds. The new policy required the police agency "to be there at all time with all patients that are charged in felony cases." Lt. Mosley stated that he told Det. Dailey that his agency "had to have somebody down there." According to Lt. Mosley:

[Det. Dailey] said he would try to get somebody down there. And I kept calling and calling him because the nurses managing him [were] asking about when somebody was going to be there. My people can't sit on them because we're not responsible for them. He

told me he would try to get somebody, and then he called me back said the chief said they didn't have nobody; couldn't send nobody.... I talked to him several times on the phone and asked when he was going to send somebody down there. He never could – he just said he couldn't get nobody down there. I said, well, we're not going to be responsible for him.

Lt. Mosley also stated that there was a police hold initially placed on Ramsey, but he contacted Det. Dailey because there was no officer guarding Ramsey. Lt. Mosley added that he did not know how the police hold was taken off Ramsey, but there was no longer a hold as of April 5 at 1:00 p.m.

Based on the foregoing, the Trial Court determined that Ramsey “was in Bradley County’s custody from the time that a ‘police hold’ was placed on him at Erlanger on March 24, 2001 until the police hold was lifted on April 5, 2001.” The Trial Court then determined that, pursuant to Tenn. Code Ann. § 41-4-115, Bradley County was responsible for payment of Ramsey’s medical bills from March 24, 2001, until April 5, 2001, which amount was determined later to be \$51,095.00 of the total \$117,177.38 then sought by Erlanger.

Bradley County appeals, arguing that the Trial Court erred when it determined that it was responsible for any of the medical bills incurred in the treatment of Ramsey. More specifically, Bradley County first argues it is not liable for the medical bills because it was the City of Cleveland that had the police hold placed on Ramsey. In addition, Bradley County argues that in any event Ramsey was not “in custody” for purposes of the relevant statute. Erlanger also appeals, claiming the Trial Court erred in failing to hold Bradley County responsible for all of the medical bills incurred in Ramsey’s treatment at Erlanger.

### **Discussion**

In *Teter v. Republic Parking System, Inc.*, 181 S.W.3d 330 (Tenn. 2005), our Supreme Court recently reiterated the standards applicable when appellate courts are reviewing a motion for summary judgment. The Court stated:

The purpose of summary judgment is to resolve controlling issues of law rather than to find facts or resolve disputed issues of fact. *Bellamy v. Fed. Express Corp.*, 749 S.W.2d 31, 33 (Tenn. 1988). Summary judgment is appropriate only when the moving party demonstrates that there are no genuine issues of material fact and that he or she is entitled to judgment as a matter of law. See Tenn. R. Civ. P. 56.04; *Penley v. Honda Motor Co.*, 31 S.W.3d 181, 183 (Tenn. 2000); *Byrd v. Hall*, 847 S.W.2d 208, 210 (Tenn. 1993). In reviewing the record, the appellate court must view all the evidence in the light most favorable to the non-moving party and

draw all reasonable inferences in favor of the non-moving party. *Staples v. CBL & Assocs., Inc.*, 15 S.W.3d 83, 89 (Tenn. 2000). And because this inquiry involves a question of law only, the standard of review is de novo with no presumption of correctness attached to the trial court's conclusions. See *Mooney v. Sneed*, 30 S.W.3d 304, 306 (Tenn. 2000); *Carvell v. Bottoms*, 900 S.W.2d 23, 26 (Tenn. 1995).

*Teter*, 181 S.W.3d at 337.

The statute at issue in this case is Tenn. Code Ann. § 41-4-115(a)(2006) which provides as follows:

**41-4-115. Medical care of prisoner.** – (a) The county legislative bodies alone have the power, and it is their duty, to provide medical attendance upon all prisoners confined in the jail in their respective counties. The county legislative bodies shall allow the county jail physician such compensation, to be paid by their respective counties, as may be fixed by the county legislative body agreed upon in writing between the county and the attending jail physician, or as may be fixed by the county legislative body.

Bradley County first argues that because it was the City of Cleveland which placed the police hold on Ramsey, Bradley County is not responsible for Ramsey's medical care. In support of its motion for summary judgment, Bradley County filed the affidavit of Jim Hodgson, a Chief Deputy Sheriff for Bradley County. In this affidavit, Officer Hodgson stated that when a person is arrested by a City of Cleveland police officer for violation of a state offense, that suspect is taken to the Bradley County jail. As previously quoted, the statute requires counties to pay for medical care on prisoners "confined in the jail in their respective counties". If Ramsey had been taken immediately to jail or released from Erlanger while the police hold was in effect, he would have been "confined" in the Bradley County jail. Therefore, Bradley County is the responsible party if Ramsey ever was "in custody" while in Erlanger, which leads us to Bradley County's second issue.

A case involving the same parties and similar issues is *Chattanooga-Hamilton County Hosp. Auth. d/b/a Erlanger Health Sys. v. Bradley County*, 66 S.W.3d 888 (Tenn. Ct. App. 2001) ("*Erlanger I*"). In *Erlanger I*, a Bradley County officer shot Ricky Dunn while attempting to arrest Dunn. *Id.* at 889. Dunn was transported to Erlanger hospital and was under a police hold the entire time he was in the hospital. When Dunn was released from Erlanger, he immediately was arrested and taken to the Bradley County jail. *Id.* Because Dunn was not confined in jail at the time he received the medical care, the trial court concluded Bradley County was not responsible for payment of the medical expenses under Tenn. Code Ann. § 41-4-115. We reversed, stating:

Tenn. Code Ann. § 41-4-115 requires counties to pay for medical care on prisoners "confined in the jail in their respective

counties”. The County’s argument and the Trial Court’s ruling are based upon the premise that the County must only pay for care for “prisoners confined in jail”, and since Dunn was not yet confined, the County is not liable. This legislation is clearly remedial, however, and as such is liberally construed. *See Nelms v. State*, 532 S.W.2d 923 (Tenn. 1976); *Nutt v. Champion Intern. Corp.*, 980 S.W.2d 365 (Tenn. 1998); *Big Fork Mining Co. v. Tennessee Water Quality Control Board*, 620 S.W.2d 515 (Tenn. Ct. App. 1981). In *Bryson v. State*, 793 S.W.2d 252 (Tenn. 1990)], our Supreme Court suggested that being “in custody” was sufficient to trigger governmental liability for the prisoner’s care, and discussed that a prisoner on furlough is still technically in the State’s custody because he would be subject to prosecution as an escapee if he did not return from the furlough. Similarly, in this case, it is clear that Dunn was in police custody, and he would have been arrested and taken to jail, had he not been wounded in the shoot-out with the deputy. Moreover, Dunn was on police hold while in the hospital and was picked up by the Bradley County Sheriff’s Department and transported to the jail, upon being discharged from Erlanger. Applying the analysis of *Bryson*, Dunn was in the custody of the Sheriff’s Department. We hold that Dunn’s circumstances fall within the ambit of Tenn. Code Ann. § 41-4-115 which requires the County to provide and pay for medical services rendered under these circumstances. *See Watt v. State*, 894 S.W.2d 307 (Tenn. Crim. App. 1994) (“in custody” means “any possibility of restraint on liberty” and the danger that one might suffer collateral legal consequences). *See also State v. McCraw*, 551 S.W.2d 692 (Tenn. 1977) (“in custody” means “any possibility of restraint on liberty”).

*Erlanger I*, 66 S.W.3d at 891.

In the present case, as in *Erlanger I*, once the police hold was placed on Ramsey, “he would have been arrested and taken to jail, had he not been wounded in the shoot-out” or upon his being released from Erlanger while the police hold was in place. *Id.* He was, therefore, “in custody” for purposes of Tenn. Code Ann. § 41-4-115. The issue then becomes how long the police hold was in effect. Erlanger served a statement of undisputed material facts upon Bradley County, and the answer to the preceding question is found in one of Bradley County’s responses. Specifically:

After a second telephone conversation between Detective Dailey and Officer Mosley in which Detective Dailey stated that the City of Cleveland would not supply an officer to guard Ramsey, Ramsey’s medical chart indicates that the police hold was lifted on April 5, 2001, at 1:00 p.m.



**Response:** While it is undisputed, for the purposes of ruling on the motion for summary judgment only, that there was conversation between Detective Dailey and an employee at Erlanger regarding the fact that the City of Cleveland could not supply an officer to guard Mr. Ramsey, Detective Dailey testified that this conversation occurred on March 25, 2001. *This conversation did not occur until April 5, 2001...* . It is undisputed, for the purposes of ruling on the motion for summary judgment only, that the unofficial hold was lifted on Mr. Ramsey on or about April 5, 2001 .... (emphasis added)

Thus, the undisputed material facts demonstrate that the police hold was in effect beginning sometime on March 24, 2001, and ending on April 5, 2001. This is the exact time frame for which the Trial Court determined that Bradley County was responsible for Ramsey's medical expenses. Once the police hold was lifted, Ramsey could have left the hospital at any time and Erlanger was under no obligation to notify any law enforcement officials of the release. Therefore, the Trial Court correctly ruled that Erlanger was not entitled to recover Ramsey's medical expenses from Bradley County once the police hold was lifted as Ramsey could no longer be deemed to be "in custody" for purposes of Tenn. Code Ann. § 41-4-115.<sup>2</sup>

### **Conclusion**

The judgment of the Trial Court is affirmed and this cause is remanded to the Trial Court solely for collection of the costs below. Costs on appeal are taxed one-half to the Appellant, Bradley County, and its surety, and one-half to the Appellee, Chattanooga-Hamilton County Hospital Authority d/b/a Erlanger Health Systems.

---

D. MICHAEL SWINEY, JUDGE

---

<sup>2</sup>We emphasize that the present case, unlike *Erlanger I*, does not involve a patient who was placed under arrest prior to being shot and who was thereafter accompanied to the hospital by a police officer. Ramsey was not "in custody" at the time he was admitted to Erlanger. We need not answer in this appeal whether or not a county's liability for medical expenses continues past the point when the "custody" ends as to an individual who was "in custody" at the time of his admission to the hospital but who does not remain "in custody" during his entire stay in the hospital.